

MESA
MUNICIPAL
COURT

What gives
you the
right to
judge a
case?

The United States Constitution and your Jury Notice give you the right.

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#### **WELCOME NEW JURORS**

This handbook provides information on how the jury system operates in the Mesa Municipal Court and it answers many of our frequently asked questions. This information is provided to help explain your role in our criminal justice system.

There are times when a juror is summoned to court and not sent to a courtroom. This is because scheduled trials are sometimes resolved at the last minute and the jurors are no longer needed. There are also times when jurors are sent to a courtroom and not selected to serve on a jury. Even though you may not be selected to serve on a jury, you still provide a valuable service and the time you spend here is appreciated.

Once you are inside of a courtroom the judge will instruct you on the law applicable to the case. The information in this handbook does not take the place of those instructions.

As a juror, you serve as an officer of the court, along with the judges and lawyers. Your services as a juror are as important as those of the judge. It is your duty to do this honestly and conscientiously.

We hope that your service as a City of Mesa trial juror will be interesting, informative and rewarding.

Walter Switzer, Presiding Judge Mesa Municipal Court

#### FREQUENTLY ASKED QUESTIONS

## Q. How long will I be here?

**A.** If you are selected today to serve on a jury, you will serve until the trial is completed. Although some trials last more than one day, most are completed in one day. If you are not selected, you should be excused by mid-morning.

# Q. I brought a book today to read. May I bring it to the courtroom?

**A.** Yes. Do not leave your belongings in the jury assembly room. Take everything with you to the courtroom. A clerk will give you further instructions when you get to the courtroom. Of course, any reading material you bring should only be read during a break in the proceedings.

## Q. Is my employer required to pay me for jury duty?

**A.** No. There is no legal requirement that employers pay you while you are on jury service. Your employer will know whether your company pays you while you are on jury service. The Court Clerk will provide you a signed copy of your 'Biographical Information' form to serve as verification of jury service for your employer.

# Q. Can I be fired for reporting for jury service?

**A.** No. Firing you for fulfilling your civic duty as a juror is a violation of § A.R.S. 21-236 which says in part, "No employer may dismiss or in any way penalize any employee because he serves as a juror..."

# Q. Does the court provide child care?

A. No.

#### Q. What do I do if I need a special accommodation?

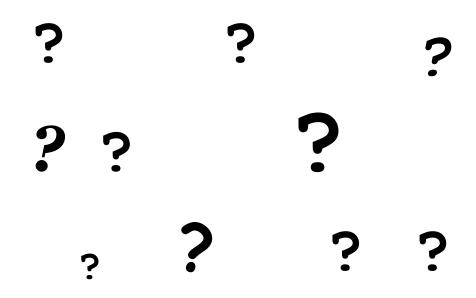
**A.** If you did not notify the court in advance that special accommodations are needed, please do so immediately and we will make every attempt to make reasonable accommodations to satisfy your needs.

# Q. At what age am I too old to be a juror?

**A.** There is no exemption based on age provided for in Arizona law.

# Q. How much does the Court pay for jury duty?

**A.** Jurors receive mileage for each day of service. (Mileage will be reimbursed at the prevailing rate as mandated by the State of Arizona.) If selected to serve as a juror, you will receive \$12.00 per day plus the mileage for each day of service. Parking is provided free of charge for jurors.



#### TYPES OF STATE COURTS IN ARIZONA

There are three types of State Courts in Arizona: Limited Jurisdiction Courts, General Jurisdiction Courts, and Appellate Courts. State law defines the cases each court can hear. Here is a brief summary of each:

#### 1. Limited Jurisdiction Courts:

Justice of the Peace Courts and Municipal Courts are both courts with limited jurisdiction. They can only hear certain kinds of cases.

Both Justice of the Peace and Municipal Courts can hear cases involving misdemeanor offenses, and Orders of Protection and Injunctions Against Harassment.

### The City of Mesa Municipal Court

This court has jurisdiction over misdemeanor offenses occurring within the Mesa City limits. The trial you may be selected to serve on will involve allegations of misdemeanor offenses such as:

- Driving while under the influence of alcohol and/or other drugs (DUI);
- Theft, shoplifting;
- Prostitution and indecent exposure;
- Leaving the scene of an accident.

You are not eligible to serve on a Mesa Municipal Court jury if you do not live within the geographical boundaries of the City of Mesa. If you are not a resident of the City of Mesa, notify the Judge when you go into the courtroom.

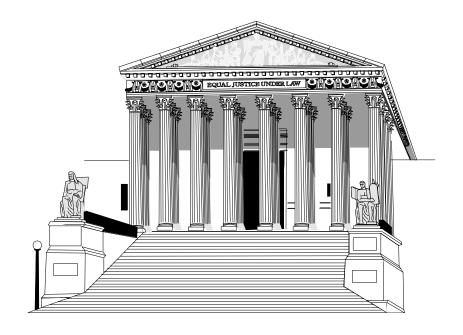
#### 2. General Jurisdiction Courts

General Jurisdiction Courts are called the Superior Courts. There is a Superior Court in each County. They are authorized by law to consider all civil and criminal disputes and to rule on appeals on cases from the Limited Jurisdiction Courts.

# 3. Appellate Courts

The Arizona Court of Appeals rules on appeals from General Jurisdiction Courts.

The Arizona Supreme Court rules on appeals from lower courts and has administrative supervision over all courts in the state.



#### NON-COURTROOM RELATED INFORMATION

#### **Qualification of Jurors**

Jurors are selected at random from Motor Vehicle Division and Voter Registration records by the Maricopa County Jury Commission. Jury Commission staff review the questionnaires returned by potential jurors to verify eligibility.

The Jury Commission of Maricopa County Superior Court provides jurors for the Superior Court, the Justice Courts, and several Municipal Courts, including Mesa Municipal Court. You must be a resident of the City of Mesa to serve as a juror in Mesa Municipal Court.

#### **Term of Service**

Mesa Municipal Court operates on a One Trial jury system. Most trials are completed in one day. Jurors selected to serve on a jury are required to serve for the duration of that trial only. When the trial is finished, so is the juror's jury service. Jurors not selected to serve on a jury may be called again during their service period.

### **Juror Badges**

You have been given a juror badge to wear at all times until your duty has ended, even while at lunch in the downtown area. This badge identifies you as a juror, and should prevent discussions about cases pending at the court being discussed in your presence. Remember, jurors must be impartial.

#### **Current Address and Name Information**

We must have current address information to mail your juror payment to you. If your summons was mailed to an incorrect address, you have moved, or you have changed your name, please notify the clerk of the correct information.

## **Juror Payment**

There are two different types of payment to jurors: Mileage Reimbursement and Jury Fee.

Mileage Reimbursement is paid to every juror who appears at court. The rate is set by law. Mileage payment is based on the number of miles from the center of the zip code in which you reside to the Mesa Municipal Court building.

The Jury Fee of \$12 is set by State law and is paid to each juror selected to serve as a trial juror. You will be paid a jury fee in addition to your mileage reimbursement for each day you serve as a trial juror.

## **Biographical Information**

You will be asked to complete a biographical information form. The form is used by the attorneys during jury selection and for verification of payment for those jurors who serve.

The Clerk may also ask you to provide a telephone number. This number will be used only by the Court to contact you regarding scheduling changes during the trial or to determine the reason for your absence if you are not present at the stated time.

# **Employer Verification**

Many employers require proof that you were summoned to serve as a juror. The clerk will provide you with documentation to take to your employer.

#### COURTROOM RELATED INFORMATION

## **Waiting Serves a Purpose**

There will be occasions when you are required to wait. Sometimes the parties are still negotiating and may settle the matter before or even after a jury panel has been assembled. The judge may be hearing arguments on last minute points of law. The Court uses this time to discuss and simplify issues.

The attorneys may talk with the judge out of the jury's hearing. The judge may excuse the jury from the courtroom so that a point of law or an objection may be argued.

# **Going to the Courtroom**

When the judge is ready for the jurors to be brought to the courtroom, you will be escorted to the courtroom by the clerk and directed as to where to sit.

Any items of value should be taken with you to the courtroom and placed under your chair.

Do not take food or drink into the courtroom. Please turn off all pagers or cellular phones. Do not enter the courtroom until instructed to do so.

Once inside the courtroom, follow the instructions given there. When you are excused by the judge, return to the Jury Assembly Room unless you have been given other instructions.

If you have an emergency while serving as a juror, notify the judge. If you need to contact your family or employer, the clerk will assist you.

Remain seated on the bench until your name is called to sit in the jury box, or until the judge excuses you. The judge will ask you to swear or affirm to truthfully answer all questions about your qualifications to serve as a juror. This may take place while sitting in the back of the courtroom or while seated in the jury box.

Once sworn, the judge will ask general questions about your qualifications to serve as a trial juror. Pay close attention to these questions even if you are not seated in the jury box. When the judge finishes questioning you, the lawyers may ask you questions. This process is called "voir dire" examination. Voir dire is a French term which means "to speak the truth."

Some questions may seem very personal. It is not intended that any question embarrass you. Lawyers have a duty to their clients to assist them in jury selection.

If you think you should be disqualified for any reason, (even if not brought out by questions directly asked) immediately raise your hand. When called on by the judge, tell the judge and the lawyers about it.

In every case each side has a certain number of "peremptory challenges." Lawyers may use all, part, or none of their peremptory challenges to remove jurors without any cause being stated. If you are excused it is not a reflection on you in any way. It simply means that in the case before the Court, it is proper to excuse you.

When the voir dire examination concludes, and the required number of jurors are seated, the jurors are sworn to try the case.

## **During the Trial**

<u>Always be on time</u>. You could be cited for contempt of court if you needlessly delay the Court proceedings.

Be attentive and listen. If you cannot hear some of the testimony, raise your hand and inform the judge.

Note taking. You will be provided with a notepad and pencil to use in taking notes. You may use these notes during jury deliberation.

Questions by jurors. If you have a question for any witness, write the question on a full blank sheet of notepad paper. The judge will review your question and determine if it is legally permissible. If so, the judge will direct the question(s) to the witness.

Do not talk to anyone about the case including another juror unless the judge has instructed you to begin deliberations. If someone tries to talk to you about the case on which you are serving, do the following:

- a) tell the person it is improper for a juror to discuss the case or receive information except in the courtroom;
- b) refuse to listen;
- c) report the incident to the judge, clerk, or any court staff member at once.

# **Integrity of Jurors**

Jurors must conduct themselves so no one questions their integrity. Jurors should be aware of their conduct and avoid arousing anyone's distrust. Avoid anyone interested in a decision of the jury.

If you have any questions regarding juror conduct or the trial, consult the judge. The judge is always in charge during the course of the trial.

#### MAIN STEPS OF A JURY TRIAL

## 1. Selection of a Jury.

- A. Voir Dire (questioning of the prospective jurors.)
- B. Challenges
  - 1. Cause (excused by the judge)
  - 2. Peremptory (excused by the attorneys.)
- C. Selection of trial jurors.
- D. Oath administered to trial jurors.

## 2. Judge's preliminary instruction to the trial jurors.

The judge instructs the jury on their duties as jurors and on the procedures which will be followed during the trial.

## 3. Opening statements by counsel.

An opening statement outlines what the lawyer thinks the evidence will be, and is offered to help jurors understand and follow the evidence during the trial.

- A. The lawyer for the State makes an opening statement. These lawyers are from the City Prosecutor's Office.
- B. The defendant's lawyer may make an opening statement at this time or at the close of the State's evidence.

# 4. Evidence is presented.

- A. The state offers evidence to prove its case.
- B. The defendant may offer evidence to disprove the state's case and establish the defendant's case.
- C. The state may then offer evidence to rebut any new material presented by the defendant.



Evidence usually takes one of two forms, testimony of witnesses and exhibits.

#### 1. Testimony of witnesses

Before testifying, each witness is sworn to tell the truth. Lawyers ask questions on direct examination and cross-examination of each witness. The judge may also ask questions.

Jurors may submit questions for the witness by writing them on the notepads provided by the court. The judge will review the jurors' questions and determine if they can legally be asked.

 Exhibits (physical evidence, e.g., photographs, reports).
 Exhibits are physical evidence such as photographs, reports, weapons, merchandise, etc.

Sometimes lawyers for one side object to a question asked or an exhibit offered by the other side. Lawyers may object to any evidence they believe is improper.

At times the judge will hear arguments on these objections away from the jury. If the judge thinks the evidence objected to is not proper, the objection will be 'sustained' and the evidence will not be allowed. If the judge thinks the evidence is proper, the objection will be "overruled" and the evidence will be allowed to be presented. The matter is a legal question which the judge alone must decide.

Objections by the lawyers, or the judge's ruling, should not cause the jury to favor one side or the other.

## 5. Closing arguments by counsel.

After all evidence has been presented, the lawyers are allowed to make their final arguments to the jury. In the final argument, the lawyer for each party discusses the facts as they relate to the law to be applied by the jury. The lawyer presents the reasons and arguments favoring his/her position.

These arguments give the jury an opportunity to better understand the case and help them arrive at a fair verdict. The state is entitled to rebut the defendant's closing argument. Closing arguments are not evidence.

# 6. Judge's instructions on the law.

The judge will instruct the jury on the law of the case prior to the jury deliberation. You will each be given a copy of the instructions to use in your deliberations.

#### 7. Jury Deliberation.

A clerk will escort the jury panel from the courtroom to the jury deliberation room.



# JURY DELIBERATION Conduct in the Jury Deliberation Room

When the jury goes to deliberate, the jurors will select a foreperson. It is the foreperson's duty to:

- a) act as a Chairperson;
- b) ensure that the jury deliberations are conducted in an orderly fashion;
- c) ensure that all issues are fully and fairly discussed;
- d) ensure that every juror has an opportunity to speak on every question;
- e) preside over the balloting

Every juror should listen carefully to the views of the other members of the jury and consider them with an open mind.

If there is disagreement or confusion about the judge's instructions or their meaning, ask the judge for further instructions or assistance.

#### The Verdict

After the verdict is reached the jurors will be escorted back into the courtroom by the clerk. The judge will ask the foreperson for the verdict forms. The verdict will be read aloud. In some cases each juror will be asked if he/she agrees with the verdict. This is called "polling the jury".

#### **DEFINITIONS**

The following definitions of words commonly used in trials may be helpful:

**Exhibit**: A document or material produced and identified in court.

**Motion**: An application made to the judge by the attorney for one of the parties (or by an unrepresented defendant). The motions may be oral or written, and are made to obtain an order in favor of the applicant.

<u>Rest:</u> In legal terms, this means that the attorney has concluded the evidence he wants to introduce at that stage of the trial.

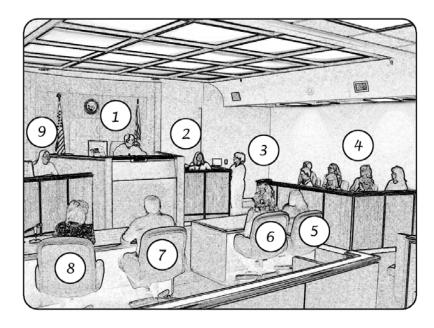
<u>Stipulation:</u> An agreement by the attorneys to certain undisputed facts or issues.

<u>Subpoena:</u> An official order to attend court at a stated time. The most common use of the subpoena is to bring witnesses to court to testify.

<u>Voir Dire:</u> French for "to speak the truth". The examination of the prospective juror for selection of the jury to try the case.

#### The Courtroom and Functions of the Personnel

Most courtrooms are physically arranged as follows:



The following are the participants in the courtroom:

 The Judge: The judge has many duties in connection with a trial. The Judge ensures the trial is conducted in an orderly manner according to prescribed rules and laws covering: selection of the jury; the presentation of evidence; the arguments of the attorneys; the instructions to the jury; and the rendering of the verdict.

The Judge decides if questions asked of prospective jurors about their qualifications are proper. The Judge also decides on requests to excuse jurors and rules on objections made during the trial.

The Judge instructs jurors as to the issues of fact they must decide, the laws which apply to the case, and their responsibilities as jurors.

- 2. <u>The Witness</u>: A person who gives testimony concerning the issue being tried.
- 3. <u>The Interpreter</u>: A qualified person who interprets the entire court proceeding for defendants and witnesses who do not speak English.
- 4. <u>The Jury</u>: Six individuals selected to decide the defendant's guilt or innocence case based on the facts presented. Additional jurors may be selected as alternate jurors.
- 5. <u>Investigating Officer</u>: The judge may allow the prosecutor's investigator on the case to sit with the prosecutor.
- 6. <u>Prosecuting Attorney</u>: The Attorney from the Mesa City Prosecutor's office who present the state's case against the defendant.
- 7. <u>The Defense Attorney</u>: The attorney representing the defendant. Some defendants are represented by an attorney, some are not.
- 8. <u>The Defendant</u>: In a criminal case, the defendant is the person charged with an offense.
- 9. The Clerk is in charge of the jury during the trial and deliberations. The Clerk is also responsible for maintaining accurate permanent records of all court proceedings and exhibits.

Mesa Municipal Court 245 West Second St Mesa AZ 85201 Telephone: (480) 644-2255 Hours of Operation: 7:30 a.m. to 5:00 p.m. Monday through Friday